

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)
	) MB Docket No. 17-106
Elimination of Main Studio Rule	)

**COMMENTS OF FORUM COMMUNICATIONS COMPANY  
IN SUPPORT OF ELIMINATION OF THE MAIN STUDIO RULE**

**I.  
Introduction and Background**

Forum Communications Company and its subsidiary KBMY-KMCY, LLC (collectively, “Forum”) hereby submit these comments in response to the Notice of Proposed Rulemaking (the “NPRM”) in the above-referenced proceeding.<sup>1</sup> The NPRM seeks comment on whether and/or how to eliminate or modify the Commission’s Main Studio Rule,<sup>2</sup> including the interpretive decisions of the Commission relating to main studio staffing and program origination. For the reasons discussed below, Forum enthusiastically supports the Commission’s proposal to eliminate the Main Studio Rule<sup>3</sup> or, in the alternative, to modify the Main Studio Rule in such a manner that would, at a minimum, allow Forum to co-locate its stations’ operations at one location without a further legal obligation to operate any other physical facility.

Forum owns and operates four local broadcast television stations affiliated with the ABC Television network and one local AM radio station in North Dakota. WDAY-TV is licensed to

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<sup>1</sup> *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415 (May 18, 2017) (“NPRM”).

<sup>2</sup> 47 C.F.R. § 73.1125.

<sup>3</sup> See NPRM, ¶ 6 (proposing to eliminate the Main Studio Rule, including the “associated staffing and program origination capability requirements”).

Fargo, North Dakota, and it is the “parent” of full-power satellite station WDAZ-TV, Devil’s Lake, North Dakota.<sup>4</sup> Both stations are located in the Fargo-Valley City, Designated Market Area (“DMA”), and, by virtue of its satellite status, WDAZ-TV is not required to maintain a separate main studio from WDAY-TV’s main studio in Fargo; nevertheless, Forum maintains a facility in Grand Forks that is capable of functioning as a studio for WDAZ-TV (and, where, in fact, several hours of WDAZ-TV’s newscasts are produced each week). WDAY(AM), Fargo, North Dakota,<sup>5</sup> naturally also shares Forum’s main studio facility in Fargo. Forum’s wholly-owned subsidiary licensee KBMY-KMCY, LLC owns and operates KBMY, Bismarck, North Dakota, and its full-power satellite station KMCY, Minot, North Dakota.<sup>6</sup> KBMY and KMCY share a main studio facility that possesses, but does not use, program origination capabilities.

In addition to its broadcast properties, Forum also owns and operates multiple publishing properties, including newspapers, magazines, and digital media, which are used to provide local news, information, sports, weather, and entertainment to a multiplicity of consumers. As a news organization, Forum has been recognized with numerous awards for exemplary journalism, including WDAY-TV’s 2016 recognition as a national Edward R. Murrow Award winner. Between the WDAY/WDAZ main studio facility in Fargo and the WDAZ facility in Grand Forks, Forum produces more than 29 hours per week of local news programming for broadcast on its four television stations, while WDAY(AM) airs approximately 30½ hours per week of local news

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<sup>4</sup> See *Assessment and Collection of Regulatory Fees for Fiscal Year 2017*, Notice of Proposed Rulemaking, MD Docket 17-134, FCC 17-62 (rel. May 23, 2017), App. A (listing all satellite TV stations, including WDAZ-TV, identified in Media Bureau records).

<sup>5</sup> WDAY(AM) has been on the air continuously since 1922, and its news/talk format draws on Forum’s the newsgathering and reporting activities of Forum’s television stations and other media properties.

<sup>6</sup> See *Assessment and Collection of Regulatory Fees for Fiscal Year 2017*, Notice of Proposed Rulemaking, MD Docket 17-134, FCC 17-62 (rel. May 23, 2017), App. E (listing all satellite TV stations, including KMCY, identified in Media Bureau records)

programming. Forum also produces for broadcast on its stations high school football and basketball “games of the week,” along with high school sports tournaments and other special event programs of local interest. Providing service to the public through newscasts, issue-responsive programming, local sports programming, and other timely information to viewers and listeners is a core mission of Forum’s broadcast stations.

## **II. Elimination of the Main Studio Rule Would Not Negatively Impact Forum’s Service to the Public**

In the NPRM, the Commission has sought comment on whether and how elimination of the Main Studio Rule (including its minimum staffing and program origination requirements) might affect (i) the provision by stations of issue-responsive programming, (ii) communication by stations of time-sensitive and emergency information, and (iii) access to/interaction with stations by members of the public. Forum believes that elimination of the Main Studio Rule would have no negative impact on these three public service components. Indeed, Forum is an organization that is already committed to local news production and distribution for consumption by the public via multiple platforms, and elimination of the Main Studio Rule would have no negative impact on Forum’s own practices relating to programming, emergency communications, and interaction with the public.

First, Forum uses the WDAY/WDAZ main studio in Fargo (as well as the Grand Forks facility) to produce local news for WDAY-TV, WDAZ-TV, and WDAY(AM). The Fargo studio facility, which Forum owns, originates a majority of local programming aired on all Forum broadcast stations. In addition, all of Forum’s master control operations, including the relaying of ABC Network programming by fiber and microwave to the KBMY and KMCY transmitter sites,

are hubbed out of the Fargo studio. Elimination of the Main Studio Rule would not, by itself, change any of these operations or practices.<sup>7</sup>

Second, over the past few years, Forum has increased its local news programming at KBMY and KMCY, from zero hours per week to 29 hours per week. The KBMY and KMCY newscasts are produced by Forum at its Fargo and Grand Forks facilities, and they are branded, respectively, as WDAY News on KBMY and WDAY News on KMCY. These newscasts are already produced with Bismarck and Minot “angles,” and Forum plans to continue coverage of weather, events, and stories in the Bismarck and Minot communities, irrespective of whether KBMY/KCMY are required to maintain a studio facility under the Main Studio Rule. As a realistic, practical matter, then, elimination of the Main Studio Rule for would have no deleterious effect on news coverage and issue-responsive programming aired on KBMY and KMCY.

Third, the Forum news team produces news content—sometimes brief cut-ins and sometimes longer-form news material—to timely provide important and emergency information to the public, for example in severe weather situations. Whether such news material is produced live in the field, is derived from Forum’s newspaper property further west in Dickinson, North Dakota, is produced at the Grand Forks facility, or is produced in Forum’s WDAY/WDZ main studio in Fargo, it is aired on whichever of Forum’s broadcast stations is appropriate. Elimination of the Main Studio Rule would not change these hyper-local news coverage practices, which are already largely centralized as an operational matter. Moreover, Forum maintains—and would plan to continue to maintain—separate EAS equipment for KBMY and KMCY (i.e., separate from the EAS equipment maintained in the Fargo studio for WDAY-TV, WDZ-TV, and WDAY(AM)),

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<sup>7</sup> At present, Forum cannot and need not speak to whether business considerations or economic conditions in the future could result in changes to Forum’s operational model or practices.

so that viewers in the Bismarck and Minot areas are (and would continue to be) provided with timely alerts that are relevant to their respective geographic areas. Again, elimination of the Main Studio Rule would not affect such localized emergency alerting practices.

Fourth, Forum believes that interactivity and communication between members of the public and Forum's stations would be unimpeded (and unchanged) by elimination of the Main Studio Rule. As an initial matter, Forum receives—and has, over time, received—virtually no personal visitors, except at the Fargo main studio. Visitors to the Fargo main studio are principally groups that have arranged in advance with Forum to tour the facilities to learn about Forum's stations, the broadcast industry, and the business of newsgathering and production. Forum expects to continue to provide such educational studio tours in Fargo irrespective of whether the facility is denominated a “main studio” in the future; this is another example of how the elimination of the Main Studio Rule would not affect Forum's practices, or, put another way, how Forum's practices are not reliant upon nor tied to the concept of “main studios” under the Main Studio Rule.

Moreover, Forum's viewers and listeners have been communicating digitally with the stations for many years. Ten to fifteen years ago, the predominant method of communication by the public to Forum's stations was probably by email, and in more recent years a preponderance of messages has been transmitted to Forum's stations via social media platforms, including Facebook<sup>8</sup> and Twitter,<sup>9</sup> which, by their very design, encourage near real-time interactivity.<sup>10</sup>

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<sup>8</sup> Forum maintains Facebook pages for WDAY-TV ([www.facebook.com/WDAYTV](http://www.facebook.com/WDAYTV)) and WDAZ-TV ([www.facebook.com/WDAZTV](http://www.facebook.com/WDAZTV)).

<sup>9</sup> Forum maintains Twitter accounts for WDAY (<https://twitter.com/WDAYnews>) and WDAZ (<https://twitter.com/WDAZnews>). In addition, several members of Forum's news team maintain Twitter accounts, through which they interact with other Twitter users.

<sup>10</sup> Indeed, the Commission's decision in *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Order, 32 FCC Rcd 1565 (2017), recognized the effectiveness, convenience, and popularity of social media and other

Furthermore, Forum's broadcast station website, [www.wday.com](http://www.wday.com),<sup>11</sup> features a "Contact Us" webpage<sup>12</sup> that includes links to webforms so that website visitors can individualize their communications to more than 40 different broadcast station employees, including management and administrative staff, news personnel, on-air talent, and others. And, based on the volume of messages Forum personnel receive through the webforms, it is clear that viewers, listeners, and website users are well-versed in the use of the "Contact Us" page as a communications tool! In short, elimination of the Main Studio Rule would neither hinder the public's ability to communicate with Forum's stations nor change Forum's practice of responding to notes, inquiries, and social media posts when warranted.<sup>13</sup>

Finally, elimination of the Main Studio Rule would enhance Forum's service to the public by allowing certain station personnel to dedicate more time to engage in sales, newsgathering, technical, promotional, and other activities during periods of the day that are currently devoted to maintaining the minimum staffing requirements of the Main Studio Rule.

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digital platforms for the purpose of facilitating communication between the public and broadcast stations. *See id.* at ¶¶ 11-12.

<sup>11</sup> Forum's [www.wday.com](http://www.wday.com) website serves as the station website for all of Forum's broadcast stations.

<sup>12</sup> <http://www.wday.com/contact-us>

<sup>13</sup> At present, Forum maintains telephone numbers that are local in each of its stations' communities of license. While Forum does not receive many calls from viewers and listeners (not including on-air callers during certain WDAY(AM) radio shows), Forum believes telephonic communication remains important, even in the current age of digital communication. Nonetheless, it may be unnecessary for stations to maintain local phone numbers in the modern era when a high percentage of consumers maintain flat-fee phone service. In other words, Forum posits that the popularity of, and maturation of competition in, the cellular, VoIP, and other flat-fee phone service may be on the verge of rendering anachronistic the concept of local and toll-free phone numbers for broadcast stations as set forth in Section 73.1125(e).

**IV.**  
**Conclusion**

In short, elimination of the Main Studio Rule would harmonize the law with the operational realities of Forum's stations with no deleterious effects on the public or Forum's public service. For the foregoing reasons, Forum respectfully urges the Commission to eliminate the Main Studio Rule.

Respectfully submitted,

**FORUM COMMUNICATIONS COMPANY**

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/s/

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